

**REGULAR**

**NUMBER:** 208.40

**TITLE:** AN ORDINANCE OF THE CITY OF MILPITAS AMENDING SECTIONS 6.01, CHAPTER 2, TITLE VIII OF THE MILPITAS MUNICIPAL CODE, RELATING TO SEWER SERVICE CHARGES

**HISTORY:** This Ordinance was introduced (first reading) by the City Council at its meeting of August 2, 2005, upon motion by Councilmember Livengood and was adopted by the City Council at its meeting of August 16, 2005, upon motion by Councilmember Livengood. Said Ordinance was duly passed and ordered published in accordance with law by the following vote:

AYES:	(3)	Vice Mayor Gomez, Councilmembers Giordano and Livengood
NOES:	(1)	Mayor Esteves
ABSENT:	(1)	Councilmember Polanski
ABSTAIN:	(0)	None

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Mary Lavelle, City Clerk

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Jose S. Esteves, Mayor

**APPROVED AS TO FORM:**

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Steve Mattas, City Attorney

**ORDAINING CLAUSE:**

THE CITY COUNCIL OF THE CITY OF MILPITAS DOES ORDAIN AS FOLLOWS:

SECTION VIII-2-6.01 OF THE MILPITAS MUNICIPAL CODE IS HEREBY AMENDED TO READ AS FOLLOWS:

The following amounts shall be assessed upon each premise maintaining a sewer connection with the City's sewage system.

1. RESIDENTIAL - Bimonthly for each dwelling unit

Category	FY 2005/06	FY 2006/07
Single Family Per Dwelling Unit	\$54.77	\$59.70
Multi-Family Per Dwelling Unit	\$39.49	\$43.14
Mobile Home Parks Per Dwelling Unit	\$24.57	\$26.88

2. COMMERCIAL, INDUSTRIAL AND MISCELLANEOUS PREMISES

- a) Flat Rate: For non-residential accounts, there shall be a flat rate assessed every billing cycle during which normal billing takes place, regardless of the amount of sewage discharged, in the amount of \$9.24 for FY 05/06 and \$10.08 for FY 06/07 per bimonthly period to defray billing and sewer system administration costs.
- b) Quantity and Strength Charges: For each commercial, industrial, or miscellaneous premises, a charge for each one hundred cubic feet of water used per billing cycle shall be charged as follows:

Category	FY 2005/06	FY 2006/07
Motels, Hotels & Senior Citizen Housing Developments	\$2.22	\$2.39
General office, banks, government offices general merchandise, retail, and shopping centers; building, hardware, and gardening material facilities; amusement centers, and theaters	\$2.25	\$2.39
City of Milpitas	\$2.12	\$2.26
Service stations, repair shops, and car washes	\$2.24	\$2.41
Eating and drink establishments	\$3.50	\$3.93
Personal services – laundry, barber/beauty shops, cleaners	\$2.06	\$2.20
Jefferson Smurfit Corporation	\$0.57	\$0.62
T. Marzetti Co.	\$3.46	\$3.91
Prudential Overall Supply	\$2.61	\$2.81
Loral-Fairchild-Lockheed	\$1.80	\$1.89
US Filter	\$2.20	\$2.33
Sipex Corporation	\$1.99	\$2.08
Lucky Pure Water	\$1.09	\$1.17
Calistoga Mountain Spring Water	\$1.17	\$1.22
Milpitas Material	\$0.02	\$0.02
Union Pacific Railroad	\$2.84	\$3.08
Headway Technology Corporation	\$2.44	\$2.61
Electrical and electronics design, fabrication, assembly and storage facilities	\$2.21	\$2.35
Metal fabrication, machinery, and tool fabrication facilities	\$2.85	\$3.09
Linear Technology Corporation	\$1.86	\$1.97
Seagate Technology	\$1.89	2.00

Schools, colleges and churches	\$2.75	2.91
Convalescent hospitals, day care centers, and health service facilities	\$2.18	2.34
Elmwood Rehabilitation center	\$2.13	2.29

- c) City of San Jose for properties known as North McCarthy Properties \$459 bimonthly for any discharge up to 75,000 gallons per day (Maximum Flow). Excess flow charge of \$100 for each 1,000 gallons per day in excess of the Maximum Flow or part thereof.
3. Purpose of Charge: The purpose of these charges is to defray the cost of operation and maintenance of the City's facilities, the cost of sewage treatment, and the debt service for the revenue bonds to finance the City's proportionate share of capital improvements at the San Jose/Santa Clara Water Pollution Control Plant.

Effective Date: The sewer service charges in Section 6.01 as established by Ordinance 208.40 for FY 2005/06 shall become effective for utility bills issued on or after October 1, 2005, for meters read on or after September 19, 2005. All bills mailed thereafter shall be charged these charges. The sewer service charges for FY 2006/07 shall become effective for utility bills issued on or after August 7, 2006, for meters read on or after July 24, 2006. All bills mailed thereafter shall be charged these charges.

**REGULAR**

**NUMBER:** 120.43

**TITLE:** AN ORDINANCE OF THE CITY OF MILPITAS AMENDING SECTIONS 6.13, 6.14, 6.15 AND 6.16, CHAPTER 1, TITLE VIII OF THE MILPITAS MUNICIPAL CODE, RELATING TO QUANTITY CHARGES, BIMONTHLY WATER METER CHARGES, FIRE SERVICE CHARGES AND EFFECTIVE DATE OF WATER RATES.

**HISTORY:** This Ordinance was introduced (first reading) by the City Council at its meeting of August 2, 2005, upon motion by Councilmember Livengood and was adopted (second reading) by the City Council at its meeting of August 16, 2005, upon motion by Councilmember Livengood. Said Ordinance was duly passed and ordered published in accordance with law by the following vote:

AYES:	(3)	Vice Mayor Gomez, Councilmembers Giordano and Livengood
NOES:	(1)	Mayor Esteves
ABSENT:	(1)	Councilmember Polanski
ABSTAIN:	(0)	None

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Mary Lavelle, City Clerk

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Jose Esteves, Mayor

**APPROVED AS TO FORM:**

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Steven T. Mattas, City Attorney

**ORDAINING CLAUSE:**

**THE CITY COUNCIL OF THE CITY OF MILPITAS DOES ORDAIN AS FOLLOWS:**

Amendment to Section VIII-1-6.13. Title VIII, Chapter 1, Section 6.13 of the Milpitas Municipal Code is hereby amended to read as follows:

Water service for fire services provided by detector check valves shall be used solely for the purpose of fire protection and testing of such fire protection systems. In the event that water service provided by detector check valves is used for purposes other than such purposes, a quantity charge of \$14.75 per hundred cubic feet shall be imposed for water use that exceeds one hundred cubic feet per billing period.

Amendment to Section VIII-1.6.16. Title VIII, Chapter 1, Section 6.16 of the Milpitas Municipal Code is hereby amended to read as follows:

**VIII-1-6.16      Effective Date of Water Rates:**

The 05/06 water quantity charges in Section 6.13, the water meter charges in Section 6.14, and the fire service charges in Section 6.15 as established by Ordinance No. 120.43 shall become effective for utility bills issued on or after October 1, 2005 for meters read on or after September 19, 2005. All bills mailed thereafter shall be based upon these charges. The 06/07 water quantity charges, water meter charges and fire service charges will become effective for utility bills issued on or after August 7, 2006 for meters read or after July 24, 2006. All bills mailed thereafter shall be based upon these charges.